JMJ ASSOCIATES INC.

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March 25, 1998

Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, Northwest
Room 222
Washington, D.C. 20554

Re: Consent to Transfer Control from TCG to ATT of 2/14 Authorization Held by TCG — File #I-T-C97506, etc.

Dear Ms. Salas:

We at JMJ Associates hereby oppose the transfer control from TCG to ATT of point-to-point microwave services licenses held by TCG or its subsidiaries.

We believe that the transfer of control to ATT would not be in the public interest nor would public policy be enhanced by this procedure. Furthermore, ATT has continued its practice in responding to informal complaints from the public in a disingenuous manner. ATT has lied to the FCC in its response to JMJ Associates.

Enclosed, for your convenience, is a copy of ATT's response to an informal complaint of JMJ Associates. Contrary to ATT's statement to this Commission, the following evidentiary evidence proves this was an absolute lie:

1. An affidavit of a vice president of ATT and a letter from another vice president of ATT stating that ATT unequivocally carried traffic to the 976 exchange in the New York area on an interstate from 1983 to 1995.

2. ATT has received tremendous amount of publicity and complaints filed with both the New York State Public Service Commission and the FCC regarding slamming.

We believe that ATT should not be rewarded for filing false statements with the Federal Communications Commission and misinforming the public.

Respectfully submitted,
JMJ ASSOCIATES, INC.

Jeffrey Shankman
Consumer Advocate

cc: FCC (12 copies)
List (2 copies)

Original + 6 copies
See Package

George Bacon
Staff Manager

Room 1130K3
295 N. Maple Ave.
Basking Ridge, NJ 07920
(908) 221-8400

April 26, 1996

Mr. James Balaguer, Industry Analyst
Consumer Protection Branch
Enforcement Division
Common Carrier Bureau
Federal Communications Commission
2025 M. Street, NW - Room 6319
Washington, DC 20554

Re: JMJ Associates, Inc.
IC-96-00304 (Balaguer, J.)
Notice of Informal Complaint dated March 27, 1996

Dear Mr. Balaguer:

This is in response to the referenced Notice of Informal Complaint. Mr. Shankman, of J.M.J. Associates, Inc., alleges that AT&T blocks calls to the 212-976-EXCHANGE, and seeks the Commission's assistance in determining whether public policies are being violated by AT&T.

Under the North American Numbering Plan ("NANP"), the 976 NXX code is assigned for provision of audio information and other "pay-per-call" services solely on an intraLATA basis. Therefore, AT&T would be unable to correctly route interLATA calls to 976-prefix telephone numbers, and could not appropriately bill end users for the transport charges associated with such calls. Moreover, under the Telephone Disclosure and Dispute Resolution Act ("TDDRA"), 47 U.S.C. § 228, and the Commission's regulations implementing that statute, all interstate pay-per-call services must be provided using the 900 Service Access Code ("SAC"). AT&T is prohibited from providing transport for calls that do not comply with that requirement.

We trust this provides your office with the information required in this matter.

Sincerely,

George F. Bacon
Staff Manager

cc: Mr. Jeffrey Shankman, JMJ Associates, Inc.
/pb

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EXHIBIT #3

AT&T

Michael J. Morrissey
General Attorney

Room 2700
32 Avenue of the Americas
New York, NY 10013
212 387-4702
FAX 212 387-8613

September 17, 1993

Maureen F. Thompson, Esq.
New York Telephone Company
1095 Avenue of the Americas
38th Floor
New York, N.Y. 10036

Re: Case Nos. 93-C-0451 & 91-C-1249

Dear Ms. Thompson:

AT&T has reviewed the September 15 draft Joint Proposal you have circulated to the parties in the above-captioned proceeding. Consistent with our long-held position, AT&T objects to Paragraph 10 to the extent it attempts to use PSC Tariff 913, a local exchange access tariff, to impose charges other than proper access charges on interexchange carriers. Should the Commission adopt the Joint Proposal, including Paragraph 10, AT&T will block all 976 calls to New York, pending resolution before the Commission or the Courts of the past and continuing improper, invalid and unlawful use of the 913 Tariff.

Very Truly Yours,

Michael J Morrissey

cc: All Parties of Record
Mr. Macintyre

487-5010

STATE OF NEW YORK
SUPREME COURT   COUNTY OF ALBANY

In the Matter of AT&T COMMUNICATIONS
OF NEW YORK, INC.,

Petitioner,

- against -

NEW YORK STATE PUBLIC SERVICE
COMMISSION,

Respondent.

AFFIDAVIT

Index No. 5742-94

Assigned Judge:

STATE OF NEW YORK)
)SS.:
COUNTY OF NEW YORK)

Dual Macintyre, being duly sworn deposes and states:

1. I am the Access Vice President of AT&T Corp. ("AT&T"), the parent corporation of petitioner herein. I am familiar with the relevant facts and circumstances of this proceeding.

Assigned To: 4/11/96 -

2. I make this affidavit based upon personal knowledge and knowledge derived from the books and records regularly kept by petitioner in the ordinary course of its business.

3. I submit this affidavit in support of the relief requested in the petition.

4. This proceeding is brought to challenge a portion of a decision of the Public Service Commission ("PSC") (referred to as "Opinion No. 94-14") which held, <u>inter alia</u>, that charges for

what is known as Mass Announcement Service can be imposed on long distance or interexchange carriers ("IXCs"), such as AT&T, pursuant to New York Telephone Company's ("NYT") intrastate access tariff ("Tariff No. 913") and NYT's 976/MAS local exchange service tariff ("Tariff No. 900").

Background

5. One of the results of the AT&T divestiture litigation (United States v American Telephone and Telegraph Co., 552 F. Supp 131 [D.D.C. 1982]; affd sub nom Maryland v United States 103 SC 1240 [1983]) which culminated in a Modification of Final Judgment ("MFJ") was the division of the country into geographic regions known as Local Access Transport Areas ("LATAs") for the purpose of the provision of telephone service by local telephone companies such as NYT.

6. In New York State there are six LATAs, designated Albany, Binghamton, Buffalo, New York Metropolitan, Poughkeepsie and Syracuse.

7. The Albany LATA covers the Capital District and Adirondack region (all of area code 518). The Binghamton LATA covers area code 607, excluding the area covered by the Syracuse Regional Calling Area. The Buffalo LATA covers area code 716, except the Rochester Telephone Company and other independent

telephone companies in the Rochester Area. The Poughkeepsie LATA consists of most of area code 914. The Syracuse LATA covers all of area code 315 and the northernmost portion of area code 607.

8. The New York Metropolitan LATA includes all of New York City (area codes 212 and 718); Long Island (area code 516); Westchester, Rockland and Putnam Counties and the southern portion of Orange County (area code 914); and the Greenwich/Byram section of Connecticut (area code 203).

9. Calls originating and ending within LATAs ("intraLATA calls") are, in general, handled by the networks of the local telephone companies, such as NYT. Calls originating in one LATA and ending in another LATA ("interLATA calls") are, in general, transported along the networks of IXCs, such as AT&T.

10. Under the MFJ, NYT is prohibited from providing interLATA service.

11. When an IXC transports a call to a number in a particular LATA, it must pay an "access charge" to the local telephone company which provides service in that LATA. The access charges which AT&T pays to NYT are set forth in tariffs filed by NYT with the PSC (for interLATA calls within New York State) (hereinafter referred to as "Tariff No. 913") and the Federal Communications Commission (for interstate calls).

12. AT&T is one of approximately 500 IXCs operating in the United States, and one of approximately 25 IXCs operating in New York State.

Creation of Mass Announcement Service by NYT

13. Mass Announcement Service ("MAS") is a service provided by NYT whereby entities known as information providers can record brief messages on equipment owned and operated by NYT for use by callers who dial certain "976" exchange numbers in the New York Metropolitan LATA (as indicated above, area codes 212, 718, 516 and 914).

14. Examples of MAS include time, weather, sports, Dow Jones updates, New York State Lottery results and other information programs.

15. MAS was conceived and created by NYT and the information providers as a service they could offer to callers which, presumably, they could charge for and earn a profit.

16. Upon information and belief, NYT and the information providers marketed MAS as having interLATA and interstate, as well as intraLATA, capability.

17. Calls made to said "976" numbers which originate in the New York Metropolitan LATA are generally placed over the NYT network to equipment which transmits a recorded message produced by the information provider to the calling party. However, some MAS calls originating within the New York Metropolitan LATA are transported over the IXCs' network to NYT's local exchange network, at the direction of the calling party, when the calling party either dials the IXC specific user code or has direct access to an IXC switch that is located within NYT's Metropolitan LATA.

18. All MAS calls originating elsewhere in New York State are transported over the networks of IXCs, such as AT&T, to NYT's local exchange network because, as previously noted, NYT is legally prohibited by the MFJ from handling interLATA calls.[1]

19. The charges for MAS are set forth in a tariff filed with, and approved by, the PSC ("Tariff No. 900"). Tariff No. 900 deals only with intraLATA MAS calls placed on NYT's network. Consistent with the MFJ prohibition of the provision of interLATA service by NYT, Tariff No. 900 did not, and could not, therefore deal with interLATA MAS calls. Tariff No. 900 also did not, and could not, deal with intraLATA MAS calls placed on the networks of IXCs because said IXCs were neither the calling parties under

[1] MAS calls originating outside New York State are also carried over IXC networks, but the PSC has no jurisdiction with respect to interstate calls.

nor the subscribers to NYT's Tariff No. 900 MAS. Tariff No. 900 cannot apply to interstate calls because such calls are not subject to the jurisdiction of the PSC, but to the jurisdiction of the Federal Communications Commission.

20. Tariff No. 900 allocates the payment arrangements between NYT and the information providers as follows: the caller is billed 36¢ per call; NYT's share is 24¢ and the information provider receives 12¢.[2]

21. AT&T is not a party to NYT's Tariff No. 900. It is neither a calling party under nor a subscriber to Tariff No. 900 MAS. It has not in any way participated in MAS and it does not offer, resell or advertise MAS to callers.

Connection To MAS Is Not Access Service

22. Intrastate New York access service provides the calling party with the ability to originate a call from the calling party's premises and terminate that call at the called party's premises using an IXC's network to connect the two locations.

23. AT&T performs the same translation and routing functions when a calling party places the call over the AT&T

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[2] This charge is being increased in a tariff revision submitted by NYT to the PSC.

network to NYT's MAS as when a calling party places a traditional Message Telephone Service ("MTS") call to any other exchange in the New York Metropolitan LATA over AT&T's network.

24. Similarly, NYT performs the same translation and routing functions to provide AT&T with access service regardless of whether the access service is used by AT&T to deliver the MTS call or the MAS call. Specifically, NYT connects the calling party, the called party or both to AT&T's network regardless of whether the call is a traditional MTS call or a call destined to NYT's MAS. The provision of an information provider's recorded message is unrelated to this function and is neither required nor requested by AT&T.

25. Connection to MAS is clearly not access service. Connection to MAS does not provide the calling party with the ability to connect or terminate a call using AT&T's network. It merely provides the calling party with a recorded announcement, similar to what a calling party would receive from a home answering machine.

26. To illustrate, in both the MTS and MAS scenarios, if a calling party in Buffalo places either an MTS or a MAS call to the New York Metropolitan LATA, the calling party would dial the appropriate telephone number and would be connected to a NYT local switching office ("LSO"). The LSO would then forward the

call to an AT&T switch in the Buffalo area and the AT&T switch would transport the call to an AT&T switch in the New York Metropolitan LATA. The call would then be routed to a NYT designated LSO that would complete the call to the called party. At this point, NYT has provided all of the access service to which AT&T has subscribed under NYT's intrastate access Tariff No. 913.

27. Also at this point, AT&T would be obligated to pay, and in fact has paid, all access charges associated with originating and terminating the MTS or MAS call. The separate connection by NYT to an information provider's recorded message is not a function of access service.

Attempts by NYT to Improperly Bill AT&T for MAS Charges

28. NYT's intrastate access tariff, Tariff No. 913, purportedly authorized it to bill IXCs non-access related MAS charges provided for in its intraLATA Tariff No. 900, and, beginning in April 1986, NYT initiated billing AT&T (and presumably other IXCs) non-access related MAS charges for MAS calls placed by callers to NYT's 976 exchange on IXC networks.

29. Upon information and belief, NYT's failure to bill AT&T for these charges for more than two years after the effective date of Tariff No. 913 evidences NYT's uncertainty over: (a)

whether the MAS charges referenced in Tariff Nos. 913 and 900 were applicable to AT&T, and (b) how to bill these non-access MAS charges for interLATA and interstate calls.

30. Upon information and belief, during this two year period and despite not billing AT&T for MAS charges, NYT actively marketed its MAS as an intraLATA, interLATA and interstate service.

31. AT&T has consistently refused to pay MAS charges on the ground that such charges cannot lawfully be charged to AT&T. AT&T made NYT aware of its position with respect to this issue upon AT&T's receipt of NYT's first bill for the MAS surcharge.

32. There is no question that AT&T has paid the appropriate access charges for all calls, including MAS calls, as required by Tariff No. 913. What AT&T has properly refused to pay is the additional non-access MAS charges set forth in Tariff No. 900, which is an intraLATA local exchange service tariff.

33. Negotiations between AT&T and NYT regarding this billing dispute culminated in a Settlement Agreement dated November 21, 1991, which provided that, inter alia: (a) NYT would remove the language in its access tariffs, including Tariff No. 913, purporting to allow NYT to bill AT&T MAS charges for MAS calls transmitted on AT&T's network, and (b) AT&T would pay $2.7

million to NYT, $1.8 million within ten days after NYT filed the appropriate tariff revisions and the balance after said tariff revisions became effective to settle all prior claims and avoid costly litigation.

34. In accordance with the Settlement Agreement, NYT filed the appropriate tariff revisions with the PSC and the Federal Communications Commission and AT&T paid $1.8 million to NYT.

35. The FCC approved the revisions to NYT's interstate access tariff. This tariff is not at issue in this proceeding.

36. On March 28, 1993, while the intrastate tariff revision was pending before the PSC, NYT terminated the Settlement Agreement and placed the monies paid by AT&T into escrow.

Regulatory Proceedings

37. Two cases were brought before the PSC, referred to as Case No. 93-C-0451 and Case No. 91-C-1249, to resolve a number of issues related to MAS service. Case No. 91-C-1249 relates to the issue of whether the charges for MAS service set forth in Tariff No. 900 can be imposed on IXCs, such as AT&T, pursuant to Tariff No. 913.

38. On October 5, 1993, NYT and various information providers entered into a Joint Proposal regarding certain terms and conditions for the provision of MAS. One of the provisions of the Joint Proposal purported to impose the MAS charges set forth in Tariff No. 900 on IXCs with respect to MAS calls carried by IXCs.

39. AT&T advised the parties that, if it was improperly charged for MAS calls, it would seek to block those calls from being made on its network.

40. An Administrative Law Judge issued a recommended decision dated January 27, 1994, wherein he recommended, inter alia, IXCs, pursuant to Tariff No. 913, be required to pay the MAS charges set forth in Tariff No. 900 and that IXCs be prohibited from blocking MAS calls from being made on their networks.

41. AT&T took exception to the Administrative Law Judge's recommended decision to the extent that it recommended that, pursuant to Tariff No. 913, MAS charges set forth in Tariff No. 900 be applied to AT&T and filed the appropriate pleadings to bring this issue before PSC.

42. On June 1, 1994, the PSC issued the aforementioned Opinion No. 94-14 which resolved Case Nos. 93-C-0451 and 91-C-1249.

43. With respect to the issue raised by AT&T, the PSC held that pursuant to Tariff No. 913, IXCs such as AT&T, were required to pay the MAS charges set forth in Tariff No. 900 for calls they deliver to "976" numbers. The PSC further held that IXCs had the option of blocking such calls, in which event they would not have to pay for them.

44. Upon information and belief, certain parties have petitioned the PSC for rehearing of that portion of its decision which allowed IXCs to block "976" calls.

45. Upon information and belief, on motion of certain parties, the PSC has stayed so much of its decision as allowed IXCs to block "976" calls and, further, has ordered that, pending its decision on the applications for rehearing, IXCs do not have to pay charges for MAS calls made on their networks.

46. As a result of the PSC's stay order, the situation at present is the same as it was prior to the issuance of Opinion No. 94-14 in that AT&T is not paying charges for MAS calls transported on its network.

47. AT&T brings the instant proceeding to challenge that portion of the PSC's decision which authorizes NYT to apply MAS charges to IXCs for MAS calls made on IXC networks.

Damage to AT&T

48. Tariff No. 913 does not specify a rate for MAS. Instead, in order to determine what, if any, rate would apply, the reader is referred to Tariff No. 900.

49. This incorporation by reference fails to alert AT&T that it would be subject to a MAS charge if it allowed a calling party to use its network to reach a "976" number.

50. Tariff No. 900 by its express terms is applicable only to calls within NYT's Metropolitan LATA, i.e., intraLATA calls.

51. In addition, Tariff No. 900 only authorizes the imposition of MAS charges on the "calling party". AT&T is neither the calling party, nor the agent for the calling party.

52. AT&T is not the "subscriber" to Tariff No. 900 service, as that term is defined in the Tariff.

53. By its express terms, therefore, Tariff No. 900 does not apply to AT&T.

54. AT&T, therefore, would have no reason to conclude from a reading of Tariff Nos. 913 and 900 that it was responsible for MAS charges. Nor did NYT make AT&T aware that it was allegedly liable for these charges for more than two years after Tariff No. 913 went into effect.

55. AT&T is damaged in a variety of ways by the PSC decision in Opinion 94-14 to impose non-access MAS charges on IXCs pursuant to Tariff Nos. 913 and 900.

56. First, AT&T is being held liable for charges for a service which it did not order, subscribe to or use.

57. Second, AT&T is being held liable for charges for a service pursuant to tariff provisions, which, by any clear and reasonable reading, are not applicable to AT&T.

58. Third, AT&T would be unable to recover past MAS charges for which it was held liable from the actual callers to NYT's 976 exchange.

59. It would be impossible, as a practical matter, for AT&T to bill these callers for past MAS charges. MAS is strictly a NYT program in which AT&T has never participated.

60. Further, AT&T is prohibited, under the tariffs, from backbilling callers using the AT&T network more than two years after the billing error occurred.

61. If the PSC decision is upheld, therefore, AT&T would have to pay, under NYT's calculations, the approximately $9 million in MAS charges billed to AT&T by NYT and would not be able to recover that amount from callers, thereby causing AT&T substantial damages. It should be noted that although AT&T had not to date formally contested this figure, AT&T questions the validity of the methodology used to arrive at this amount, as well as NYT's legal ability to back bill AT&T for the period reflected in these bills.

62. The unwarranted economic advantage received by actual callers to NYT's 976 exchange who are not billed for these calls and information providers' who receive revenue from NYT for these calls and the concommitant economic harm to AT&T is made more egregious when it is realized that a significant portion of the MAS charges are not legitimate charges generated by callers seeking information from the "976" numbers, but is the result of a "call-pumping" scheme practiced by certain information providers.

63. Upon information and belief, Tariff No. 900 requires NYT to remit to information providers their share of MAS charges

regardless of whether the MAS call is placed over NYT's network or an IXC's network and regardless of the length of the call.

64. Some information providers, apparently aware that AT&T was not billing them for their calls to MAS, realized that they could obtain a windfall by simply placing a large volume of the calls over AT&T's network to their own 976 numbers. Under this "call pumping" scheme, the calls were disconnected as soon as the connection to 976 MAS was established. These calls were not placed to obtain the information available from the program, but merely to establish a connection which would increase the call count, thereby increasing the compensation received from NYT. Under this scenario, the call pumper would not be billed MAS charges, yet he or she would be entitled to receive an allocation of the MAS charge as an information provider pursuant to Tariff No. 900.

65. Information providers engaging in call pumping used banks of automated equipment to place millions of calls to their own numbers to churn up unwarranted and unearned MAS charges. To date, more than one-half of the non-access 976/MAS charges billed to AT&T are the result of this activity.

66. The PSC, in its Order Approving Tariff Filing dated December 17, 1992, found that call pumping was not in the public interest and authorized NYT to revise the compensation mechanism

in Tariff No. 900 to remove any economic incentive to engage in call pumping. A copy of the decision is attached as Exhibit E.

67. Accordingly, in addition to the fact that, under the clear reading of the appropriate tariffs, AT&T is not liable for MAS charges, it is doubly unfair to impose these charges on AT&T where they are the result, not of legitimate calls placed to "976" numbers, but a scheme created by information providers for the sole purpose of artificially enhancing their profit.

68. AT&T would be further damaged by the PSC decision in Opinion 94-14 on a going forward basis in that, if AT&T is to avoid paying these significant charges for a service to which it neither subscribes nor uses, the Opinion has the effect of requiring AT&T to engage in an unregulated business activity in which AT&T has never engaged nor expressed an interest in performing.

69. Specifically, Opinion 94-14 has the effect of obligating AT&T to bill and collect from callers, on behalf of NYT and the information providers, charges for calls placed to "976" numbers.

70. AT&T has never provided, nor expressed an interest in providing, billing and collection services for NYT's and information providers' MAS/976 services. In order to bill

MAS/976 charges, AT&T would have to modify its billing system nationwide and, because AT&T contracts with third parties for a significant portion of its billings, would have to renegotiate its billing contracts. It would be a significant cost to AT&T to make these changes to its billing system. Consequently, AT&T has never performed or expressed an interest in performing billing and collection for NYT's and information providers' MAS/976 services.

71. Finally, if AT&T is required to pay all of the MAS charges to NYT "up front," and then must bill callers, it is being forced to take the risk that callers may not pay said charges. AT&T is further damaged by the delay between the time MAS charges are paid to NYT and the time said charges are collected from callers.

AT&T Is Obligated To Deliver MAS Calls

72. The PSC states in its decision that "by delivering calls to 976 numbers, an IXC makes itself liable for MAS charges on those calls", thereby implying that the IXC exercises unilateral control in determining whether or not to deliver calls to 976 numbers. This statement distorts the true facts.

73. Local telephone companies publish lists of active telephone exchanges (known as NNXs) within their geographic area

in what is known as the Local Exchange Routing Guide ("LERG"). The LERG is the established industry document pursuant to which the local telephone companies (such as NYT) advise IXCs (such as AT&T) of the existence of and the required routing for calls to active NNXs.

74. NYT has established "976" as an active NNX in the LERG for IXC use on all calls, i.e., intraLATA, interLATA and interstate.

75. AT&T has no control over what NNXs NYT places in the LERG.

76. AT&T is obliged, however, as a long distance carrier, to transport calls placed on its network to any NNXs listed in the LERG as active exchanges.

77. By placing the "976" numbers in the LERG without any restrictions on its use by IXCs, NYT has obligated AT&T to transport calls placed on its network to said numbers.

78. The PSC's contention that AT&T somehow voluntarily delivered calls to "976" is, thus, a distortion of fact. AT&T cannot "make[] itself liable" for calls when it did not voluntarily deliver them, but was ogligated to do so pursuant to NYT's explicit directions in the LERG.

AT&T Has Not Caused Rate Discrimination

79. The PSC contends rate discrimination would result if callers who place calls to 976 numbers on the NYT network are charged while callers who place such calls on IXC networks are not charged.

80. If any rate discrimination exists, it exists solely and exclusively as a result of actions taken by NYT and the information providers.

81. As discussed above, MAS was created by NYT and the information providers as a service to be offered to callers, presumably at a profit to NYT and the information providers.

82. Tariff No. 900, by its express terms, provides for the billing of MAS charges to calling parties and the allocation of revenues from the receipt of these charges between NYT and information providers only on an intraLATA basis.

83. Notwithstanding this clear tariff limitation: (a) NYT and the information providers have advertised MAS on a statewide (i.e., interLATA, as well as intraLATA) and interstate basis, and (b) NYT placed the "976" numbers in its LERG without limitations on the delivery of interLATA and interstate traffic, thereby

obligating IXCs to transport calls placed on their networks to such numbers.

84. In so doing, NYT and the information providers needed a means to bill and collect MAS charges from the calling party for interLATA and interstate calls to MAS/976 service. Rather than creating a billing and collection system that would directly bill and collect from the calling party, NYT sought to impose this obligation on IXCs unilaterally by: (a) placing "976" numbers, without limitation on their use by IXCs, in the LERG, (b) advertising MAS service on a statewide and interstate basis, and (c) billing IXCs for MAS calls placed over their networks pursuant to Tariff No. 900 which is, according to its terms, applicable only to intraLATA calls and to which the IXCs are not parties.

85. NYT and the information providers circumvented appropriate business practices which could have established billing and collection contracts in advance of offering MAS on an interLATA and interstate basis. Instead, as described above, they sought to coerce participation in MAS by IXCs without any apparent consideration to the facts that the IXCs: (a) may not wish to participate in this unregulated business, and (b) if they did wish to participate, would have to go to considerable expense to modify their existing billing arrangements to collect MAS charges from callers and to remit said charges to NYT and the